

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Oscar Andres Lopez Pelaez

v.

Case No. 23-cv-101-SE

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated May 30, 2023. For the reasons explained therein, this case is dismissed without prejudice, as the petitioner has not paid the filing fee or filed a motion to obtain in forma pauperis status.

The Warden's motion for summary judgment (doc. no. 5) is denied as moot.

“‘[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.’” School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The clerk shall issue judgment and close the case.

A handwritten signature in dark ink, appearing to read 'SDElliott', is positioned above a horizontal line.

Samantha D. Elliott
United States District Judge

Date: June 30, 2023

cc: Oscar Andres Lopez Pelaez, pro se
Anna Dronzek, Esq.